

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Laura Quaranta, et al.
Serial No. : 10/544,281
Filed : August 3, 2005
For : Avermectins and Avermectin Monosaccharides Substituted in the
4'- and 4''-Position Having Pesticidal Properties
Examiner : Qazi, Sabiha Naim
Art Unit : 1612
Confirmation No. : 9446

3239 Satellite Blvd., Duluth, Georgia 30096-4640
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Filed via EFS-WEB
On May 18, 2009

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is being filed in supplemental response to the Office Action mailed February 18, 2009, without any prejudice, admission, surrender of subject matter, or any intention of creating any estoppel as to equivalents.

I, Deborah L. Lu, declare that I am an attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial Ltd. ("Merial") pursuant to 37 C.F.R. § 1.321(b)(1)(iv) for the above-captioned application ("the present application") and U.S. Patent Application Nos. 10/543,643 ("the '643 application"), 10/543,637 ("the '637 application"), 10/568,715 ("the '715 application"), and U.S. Patent No. 7,521,429 ("the '429 patent"; issued from U.S. Patent Application No. 10/560,390).

That Merial is the assignee of the entire right, title and interest in the '643 application by virtue of the assignment as set out at Reel 020949 and Frame 0131, where said assignment was recorded at the U.S. Patent and Trademark Office on 5/15/2008;

That Merial is the assignee of the entire right, title and interest in the '637 application by virtue of the assignment as set out at Reel 020949 and Frame 0131, where said assignment was recorded at the U.S. Patent and Trademark Office on 5/15/2008;

That Merial is the assignee of the entire right, title and interest in the '715 application by virtue of the assignment as set out at Reel 020949 and Frame 0131, where said assignment was recorded at the U.S. Patent and Trademark Office on 5/15/2008;

That Merial is the assignee of the entire right, title and interest in the '429 patent by virtue of the assignment as set out at Reel 020949 and Frame 0131, where said assignment was recorded at the U.S. Patent and Trademark Office on 5/15/2008;

That Merial is the assignee of the entire right, title and interest in, to and under the present application by virtue of the assignment as set out at Reel 020949 and Frame 0131, where said assignment was recorded at the U.S. Patent and Trademark Office on 5/15/2008;

That Merial hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term the '429 patent, or of any patent issuing from the '643 application, the '637 application, or the '715 application;

That Merial hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '429 patent or any patent issuing from the '643 application, the '637 application, or from the '715 application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '429 patent or any patent issuing from the '643 application, the '637 application or from the '715 application, in the event that the '429 patent or any said patent issuing from the '643 application, the '637 application or from the '715 application, earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims

cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

That no terminal part of any patent granted on the present application is disclaimed in the event that no patent is granted on the present application;

In accordance with 37 C.F.R. § 3.73(b), the undersigned agent of record is empowered to sign this Statement on behalf of the assignee, and thus, that the undersigned has reviewed documents in the chain of title of the patent applications identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above;

This paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents;

Entry and recordation of this Terminal Disclaimer is earnestly solicited. A fee of \$140.00 is believed to be due. The Commissioner is hereby authorized to charge any additional required fee for this paper, or to credit any overpayment in fees, to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,
MERIAL LTD.
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